IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 10357 of 2004

Between:
1 P.Pushpavathamma alias Pushpavathi, S/o Late G.Panchaksharam,
R/o 26-153, Muthacharipalyam, Palamaner, Chittoor District.
2 G.P.Arul, S/o Late G.Panchaksharam,
R/o 26-153, Muthacharipalyam, Palamaner, Chittoor District.
..... PETITIONERS.

AND

1 Sub-Collector, Madanapalle, Chittoor District.
2 Mandal Revenue Officer, Gangavaram Mandal, Gangavaram,
Chittoor District.
3 Azam Pasha, S/o Abdul Wazeed,
Sai Nagar, Madanapalle Road, New Pet, Palamaner, Chittoor District.
.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Direction or Order, particularly one in the nature of Mandamus declaring the inaction of the first respondent in initiating Proceedings in ROC No.B2/1994/2004 seeking to cancel the Pattadar Pass Book that was granted in the year 1994 and the consequential notice of the second respondent issued in ROC A1/183/2004 dated 16-06-2004, as illegal and consequentially direct them to refrain from taking any action and reject the Appeal Petition filed by the third respondent before the first respondent

For the Petitioner: MR. R.V.SUBBA RAO, Advocate.

For the Respondents 1 & 2.: GP FOR REVENUE.

The Court Made the Following :

ORDER:

In this writ petition the petitioners challenge the Notice – R.O.C.A1/183/2004 dated 16-6-2004 issued by the 2nd respondent requiring them to participate in the enquiry along with the relevant record in connection with an appeal filed by the 3rd respondent before the 1st respondent.

The brief facts, as stated in the affidavit filed in support of the writ petition, are that 1st petitioner is the owner of agricultural land admeasuring Ac.0-45 cents in Sy.No.669/1 and Ac.1-76 cents in Sy.No.670 of Gannavaram Revenue village, Gangavaram Mandal, Chittoor District. As her husband secured some loans from Smt.U.Sunanda Devi and Sri U.Raj Surana, she claims to have executed sale deed in favour of her husband and Raj Surana in the year 1988 as security for repayment of the loan amount and pattadar pass book was also issued in favour of her husband in the year 1994. The husband of the petitioner continued to pay the loan amount in instalments and on his death in the year 2000, when the petitioners approached the money lenders to settle the amount and re-convey the property, they are dragging on the matter in order to grab the property and therefore the petitioners filed a suit O.S.No.65 of 2004 for a declaration that the sale deed executed by the 1st petitioner in favour Raj Surana as a sham document and the suit is pending. While so, it appears that 3rd respondent claiming to have purchased the said land from Sri Raj Surana, filed an appeal before the 1st respondent to cancel the pattadar pass book and title deeds of the petitioners and to issue fresh pattadar pass book in his favour. It appears that on the instructions of the 1st

respondent, the 2nd respondent issued the impugned notice calling upon the petitioners to appear with all records to enquire into the matter. Challenging the said notice, the petitioners filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioner has come up with the present writ petition only on a notice issued by the 2nd respondent to participate in the enquiry with all relevant records. Thus, there is no cause of action, as on date, for the petitioners as the respondents have neither taken nor contemplated any action. It is settled law that a writ petition does not lie on a simple notice. The respondents have not come to any conclusion. The matter is only at the stage of enquiry and the petitioners were asked to participate in the enquiry. Therefore, the petitioners cannot have any grievance at the stage of notice and they can raise all their objections in the enquiry.

In the circumstance, I see no merits in the writ petition and the same is accordingly dismissed. However, the petitioners are at liberty to make a representation before the respondents and the respondents shall consider the same and pass appropriate orders thereon.

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24-6-2004

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To

1 Sub-Collector, Madanapalle, Chittoor District.
2 Mandal Revenue Officer, Gangavaram Mandal, Gangavaram, Chittoor District.
3. Two copies to G.P. for Revenue, High Court of A.P., Hyd.(O.U.T.).
4. Two C.Ds.